

BOISE, WEDNESDAY, AUGUST 27, 2014, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STEVEN B. CUMMINGS,)	
)	
Plaintiff-Appellant-Cross Respondent,)	
v.)	
)	
ROGER L. STEPHENS, an individual)	
residing in Providence, Utah,)	
)	
Defendant-Respondent,)	
)	
and)	
)	
NORTHERN TITLE COMPANY OF)	Docket No. 40793
IDAHO, INC., an Idaho corporation,)	
)	
Defendant-Respondent-Cross)	
Appellant,)	
)	
and)	
)	
JOHN DOES I-X,)	
)	
Defendants.)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bear Lake County. Hon. David C. Nye, District Judge.

Petersen Moss Hall & Olsen, Idaho Falls, for appellant, Steven Cummings.

Racine Olson Nye Budge & Bailey, Pocatello, for respondent, Roger Stephens.

Bearnson & Caldwell, Logan, Utah, for respondent-cross appellant, Northern Title Company of Idaho, Inc.

This case involves the sale of real property in Bear Lake County, Idaho. The property was purchased by Steven Cummings from Roger Stephens. Several months

after the property was sold, Stephens realized that the legal description incorrectly included more property than he had intended to sell. He contacted the title company, Northern Title Company of Idaho, Inc., who re-recorded the deed to remove the additional property. But Cummings never authorized the re-recording, and he argued that he had understood the purchase to include all the property listed in the first deed. Thus, Cummings sued both Stephens and Northern Title. After Cummings presented his evidence in a court trial, the district court dismissed the case against Stephens. At the conclusion of the trial, the court found Northern Title liable on one count of negligence and one count of breach of contract, and it awarded damages to Cummings. The court also awarded attorney fees to Stephens against Cummings and to Cummings against Northern Title.

Cummings appealed, arguing that the district court committed numerous errors that led to a reduction in his desired damages. Northern Title cross-appealed, arguing that the court erred in finding it liable to Cummings. Stephens appears solely as respondent.

BOISE, WEDNESDAY, AUGUST 27, 2014 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**CHRISTIAN WESTBY, a minor, JAMES)
WESTBY and KRISTINA WESTBY,)
individually and as parents of CHRISTIAN)
WESTBY,)**

Plaintiffs-Appellants)

v.)

**GREGORY SCHAEFER, M.D., and MERCY)
MEDICAL CENTER, NAMPA,)**

Defendants-Respondents.)

Docket No. 40587

Appeal from the District Court of the Third Judicial District, State of Idaho,
Canyon County. Hon. Renae J. Hoff, District Judge.

Chasan, Walton, Boise, and Markum Group, Spokane for appellant.

Quane Jones, McColl, PLLC, Boise, for respondent Schaffer.

Givens, Pursley, LLP, Boise, for respondent Mercy Medical.

Christian Westby, James Westby, and Kristina Westby (collectively “the Westbys”) permissively appeal the Canyon County district court’s denial of the Westbys’ motion to reconsider the court’s grant of a protective order to Mercy Medical Center and Dr. Gregory Schaefer. This case arose from the Westby’s claim that Dr. Schaefer and Mercy Medical’s negligence resulted in lifelong brain damage to Christian Westby. Near the end of discovery, the district court granted Mercy Medical and Dr. Schaefer’s motion for a protective order to prohibit the Westbys from deposing Mercy Medical and Dr. Schaefer’s expert witnesses. The district court later denied the Westbys motion to reconsider that protective order. The Westbys argue that the district court abused its discretion by not requiring any showing of good cause or unreasonable delay and basing its decision on a mistaken belief that the Westbys were dilatory. The Westbys also argue that the court violated due process and that Dr. Schaefer and Mercy Medical had a duty under the discovery rules to make experts available for deposition.

BOISE, WEDNESDAY, AUGUST 27, 2014 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 40301
)	
KATHERINE LEA STANFIELD,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Sara B. Thomas, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

In this matter, before the Idaho Supreme Court, Kathrine Lea Stanfield appeals from her conviction, entered by jury verdict, for first degree murder of two and a half year old W.F. by aggravated battery on a child under twelve years. On December 11, 2009, W.F. was taken by ambulance to St. Luke's hospital after becoming unresponsive while in Stanfield's care. W.F. was placed on life support but never regained consciousness and died on December 13, 2009. On September 21, 2010, Stanfield was arrested and charged with first degree murder. The matter proceeded to trial and on June 4, 2012, the jury unanimously found Stanfield guilty. The district court sentenced Stanfield to life in prison with ten years fixed.

Stanfield now appeals from her judgment of conviction, arguing that the district court admitted expert testimony in violation of her Sixth Amendment right to confrontation and that the testimony was impermissible hearsay evidence. Additionally, Stanfield argues that the district court failed to properly instruct the jury as to the elements of the offense of first degree murder by aggravated battery on a child under twelve years. Stanfield argues that these errors, both individually and cumulatively, were not harmless and require a reversal of her conviction.